

**Re.** : Amendment and Response to Office Action Mailed September 12, 2005  
**Appl. No.** : 10/669,740  
**Filed** : September 24, 2003

### **III. AMENDMENTS TO THE DRAWINGS**

The attached replacement sheet of drawings includes an amendment to Figure 1 that adds the legend "PRIOR ART" to Figure 1. This attached replacement sheet of drawings, which includes Figure 1, replaces the original sheet of drawings which included Figure 1.

An annotated or marked-up sheet of drawings for Figure 1 is also attached. The annotated sheet of drawings shows the proposed drawing corrections in red ink.

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#### **IV. REMARKS**

The Office Action rejected Claims 1-8. By the foregoing amendments, Applicants amended Claims 1 and 5; cancelled Claims 3, 4 and 8 without prejudice; and added new Claims 9-16 to further clarify, more clearly define and/or broaden the claimed invention, and expedite receiving a notice of allowance. Pursuant to 37 C.F.R. § 1.121(f), no new matter is introduced by these amendments. After these amendments, Claims 1-2, 5-7 and 9-16 are now pending in the application. Applicants believe that Claims 1-2, 5-7 and 9-16 are now in condition for allowance.

Please note that Applicants' remarks are presented in the order in which the issues were raised in the Office Action for the convenience and reference of the Examiner. In addition, Applicants request that the Examiner carefully review any references discussed below to ensure that Applicants' discussion and understanding of the references, if any, is consistent with the Examiner's. Further, the following remarks are not intended to be an exhaustive enumeration of the distinctions between any particular reference and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and that reference.

##### **A. Objection to the Drawings**

The Office Action stated that the drawings were objected to and stated that Figure 1 should be designated by a legend such as "PRIOR ART" because only that which is old is illustrated.

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As set forth above, Applicants amended Figure 1 to include the "PRIOR ART" legend and therefore respectfully request that this objection be withdrawn.

**B. Objection to the Specification**

The Office Action stated that the disclosure is objected to because of asserted informalities. In particular, the Office Action argued that the use of the term "cross bar" and "end rails" to refer to the same item is confusing. The Office Action also argued that it is confusing to have "end rails" and "side rails" for both the frame assembly and the support assembly. Applicants respectfully traverse this objection because the Applicants' use of the terms "cross bar," "end rails" and "side rails" in the specification is unambiguous.

Applicants respectfully apologize for any inconvenience caused by using similar terms in connection with different parts of the table. Applicants, however, assert that the invention is clearly described in the specification and defined in the claims. Moreover, one of ordinary skill in the art would have no difficulty understanding the disclosed invention. Thus, although the application may require a longer time to read by using two terms to refer to the same item or using the same terms to refer to different parts of the invention, the invention is clearly disclosed, defined and claimed.

In addition, the specification uses reference numbers in connection with the terms "cross bar," "end rails" and "side rails" so that the application is unambiguous. Accordingly, Applicants respectfully request that this objection be withdrawn because the application is sufficiently definite and clear.

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**C. Rejection under 35 U.S.C. § 112**

The Office Action rejected Claims 3, 4 and 8 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, the Office Action stated that, in Claim 3, the use of the term “cross bar” and then “end rails” in Claim 4 to refer to the same item is confusing. The Office Action further stated that it was confusing to have “end rails” and “side rails” for both the support assembly in Claim 4 and then for the frame assembly in Claim 8.

Applicants respectfully traverse this rejection for at least two reasons. First, using different terms in different claims is commonplace and acceptable before the United States Patent and Trademark Office. Second, reciting multiple components with the same name in a claim is likewise commonplace and acceptable where, for example, such recitation clearly identifies such components. Nevertheless, as mentioned above, Applicants cancelled Claims 3, 4 and 8 without prejudice to pursuing their subject matter in another application. Accordingly, this rejection is now moot and Applicants request that this rejection be withdrawn.

**D. Rejection under 35 U.S.C. § 102(b)**

The Office Action rejected Claims 1 and 3-8 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,622,644 issued to Buono. In particular, the Office Action stated that the Buono ‘644 patent discloses a table (10) with a table top (12). The Office Action stated that the table top (12) has a top surface (12a) and a bottom surface (12b). The Office Action stated that the Buono ‘644 patent discloses a mounting structure (34;36) that is centrally disposed on the bottom surface (12b). The Office Action stated that the Buono ‘644 patent discloses a

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support assembly (21,23) that is partially connected to the mounting structure (34,36). The Office Action stated that the Buono '644 patent discloses a frame assembly that has a first leg (14); which is attached to the first end of a support brace (28). The Office Action stated that the second end of the support brace (28) is attached to the support assembly (21,23). The Office Action stated that the Buono '644 patent discloses that the pair of spaced apart side rails are formed integrally in the mounting structure (34,36). The Office Action stated that the Buono '644 patent discloses a first cross bar (32) or end rails (30,32) are disposed transverse to the side rails and attached there between. The Office Action stated that one of the end rails (30,32) is connected to the table leg (14). The Office Action stated that the support assembly is integrally formed with the table top as seen in figure 3. The Office Action stated that the mounting structure (34,36) and table top (12) are formed of blow-molded plastic (col. 1, line 35-38). The Office Action stated that the frame assembly has a pair of space apart side rails (18,20) and a pair of spaced apart end rails (14d,16d) are disposed transversely to the pair of side rails (18,20) and connected between so that the table leg (14) is connected to one of the end rails (14d).

Applicants respectfully traverse this rejection because the Buono '644 patent fails to disclose each and every limitation of Claims 1 and 3-8. Nevertheless, as mentioned above, Applicants have amended Claim 1 to provide "a mounting structure centrally disposed on the bottom surface of the table top, the mounting structure including a first portion and a second portion; a support assembly at least partially connected to the mounting structure, the support assembly comprising: a first elongated support member attached to the first portion of the mounting structure; a second elongated support member attached to the second portion of the mounting structure, the second support member being spaced apart from the first support

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member; and a first connecting member connected to the first support member and the second support member.” Thus, Claim 1 now recites the table includes a mounting structure centrally disposed on the bottom surface of the table top, **the mounting structure including a first portion and a second portion**; a support assembly at least partially connected to the mounting structure, the support assembly comprising: **a first elongated support member attached to the first portion of the mounting structure; a second elongated support member attached to the second portion of the mounting structure**, the second support member being spaced apart from the first support member; and **a first connecting member connected to the first support member and the second support member**.

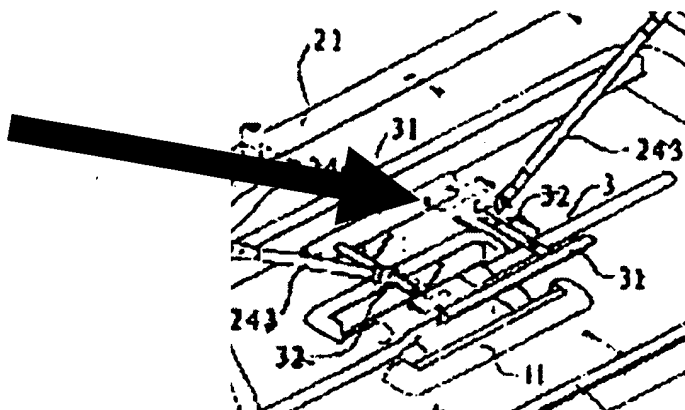
Support this amendment may be found in the drawings and the specification. For example, the specification explains how the support assembly 3 may include rails 31 and that the rails 31 may include apertures:

The support assembly 3 is preferably constructed with a generally “H”-shape configuration with two side rails 31 and two cross bars or end rails 32. Each side rail 31 is desirably attached to the inside surface of a mounting ridge of the mounting structure 11. The side rails 31 include connecting apertures at each end. An end rail 32 is disposed in the facing connecting apertures of a pair of side rails 31. An end of the third support bar 243 of a support brace 24 is pivotally attached to an end rail 32. One skilled in the art will appreciate that the support assembly 3 could have other suitable shapes and configurations depending, for example, upon the intended use of the table.

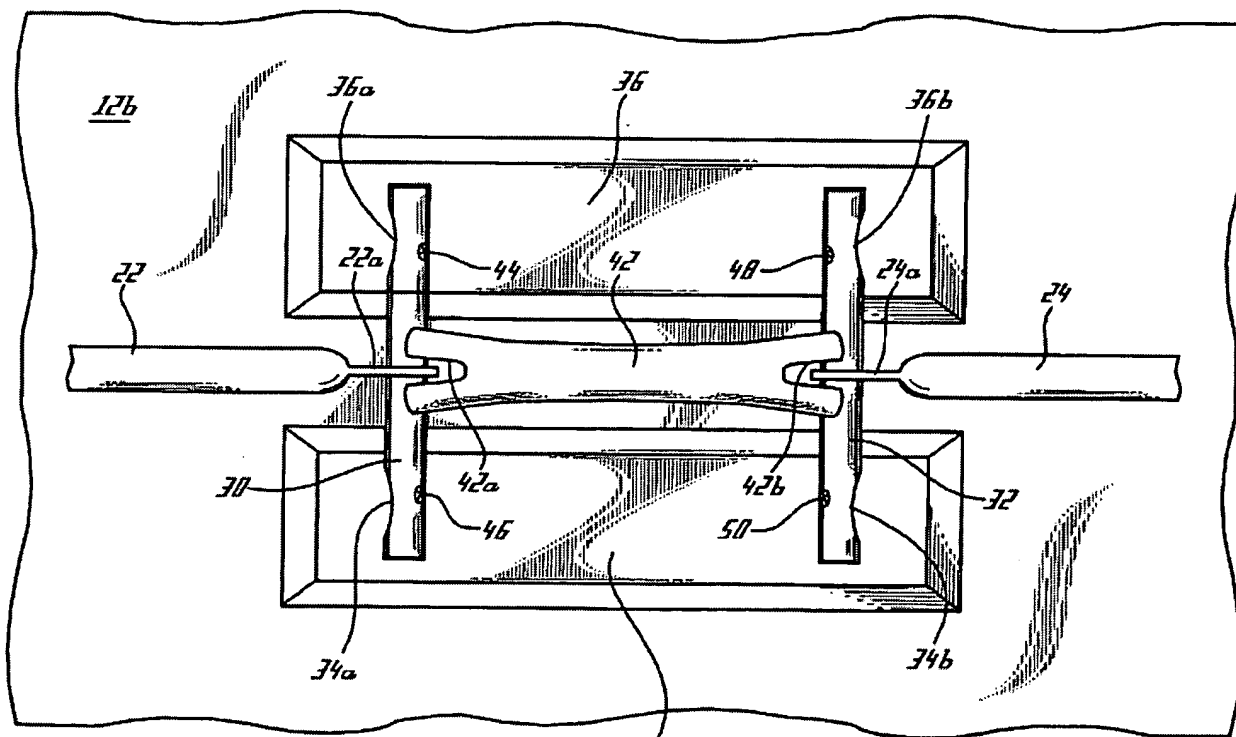
Specification, ¶ [029] (emphasis added). In addition, as shown in the portion of Figure 2 below, the rails 31 may include such apertures (indicated by added arrow):

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In contrast, the Buono '644 patent does not disclose any elongated support members that are attached to its projections 34, 36.



**Fig. 4**

Moreover, the Buono '644 patent does not disclose any such elongated support members that include openings that receive portions of its pivot bars 30, 32.

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Accordingly, Applicants respectfully submit that Claim 1 is allowable and request that this rejection of Claim 1 be withdrawn. In addition, Applicants respectfully submit that the claims depending from Claim 1 (namely Claims 5-7) are allowable for at least the same reasons as Claim 1 and therefore also request that their rejection be withdrawn.

**E. Rejection under 35 U.S.C. § 103(a)**

The Office Action rejected Claim 2 under 35 U.S.C. § 103(a) as being unpatentable over the Buono '644 patent. In particular, the Office Action stated that the Buono '644 patent discloses a structure substantially the same as the one claimed and as discussed above including a mounting structure. The Office Action recognizes that the Buono '644 patent does not expressly disclose the shape of the mounting structure as C-shaped. However, the Office Action states it is inherently seen as C-shaped with the notches (34a, 34b, 36a, 36b) creating a center section or it is obvious to remove the section between the notches (34a, 34b, 36a, 36b) since the use of different shaped structures to provide less material are matter of desirability and choice since such a structure would perform equally as well and would have been well within the level of ordinary skill in the art at the time of the invention.

Applicants respectfully traverse this rejection, *inter alia*, because the cited references, either alone or in combination, fail to disclose each and every limitation of Claim 2 and because the cited references provide no teaching, suggestion or motivation to modify the Buono '644 patent as proposed in the Office Action.

Nevertheless, as shown above, Claim 1 is allowable over the Buono '644 patent. Accordingly, Applicants respectfully submit that Claim 2, which depends from Claim 1, is



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allowable for at least the same reasons as Claim 1 and therefore request that the rejection of Claim 2 be withdrawn.

**F. Amendments to Specification**

As set forth above, Applicants corrected minor clerical errors in the specification. Applicants submit that no new matter is introduced by these amendments.

**G. New Claims**

New Claim 9 depends from amended Claim 1 and is believed to be allowable for at least the same reasons articulated above with respect to Claim 1, and because of the additional features recited therein.

New Claims 10-16 have been added to more fully define the Applicants' invention and are believed to be fully distinguished over the cited references.

**CONCLUSION**

In view of the foregoing, Applicants respectfully submit that Claims 1-2, 5-7 and 9-16 are allowable over the cited references and are in condition for allowance. Accordingly, Applicants request that a Notice of Allowance be promptly issued.

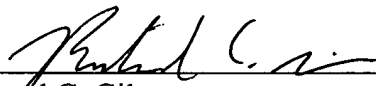
If any further impediments to allowance of this application remain, the Examiner is cordially invited to contact the undersigned by telephone so that these remaining issues may be promptly resolved.

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The Commissioner is authorized to charge payment of any additional fees associated with this communication, which have not otherwise been paid, to Deposit Account No. 23-3178. If any additional extension of time is required, which have not otherwise been requested, please consider this a petition therefore and charge any additional fees that may be required to Deposit Account No. 23-3178.

Respectfully submitted,

Dated: 1-10-06

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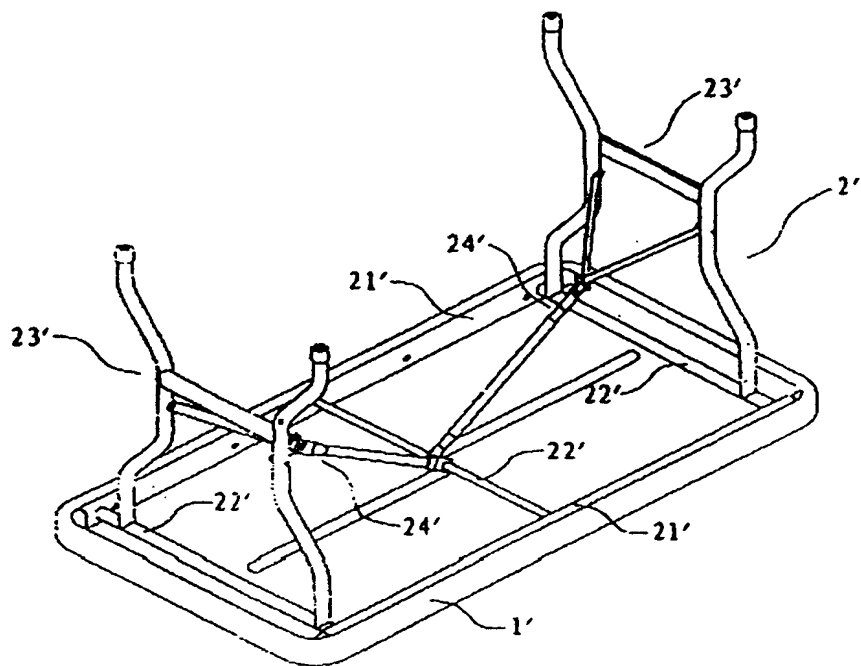
Title: TABLE HAVING H-CENTER SUPPORT ASSEMBLY

Inventors: Shenghao, et al.

Docket No.: 15865.3a.1

ANNOTATED SHEET

1 / 4



~~FIG. 1~~

FIG. 1 (PRIOR ART)